
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
R & R Enterprizes, Inc.)	File No.: EB-FIELDNER-14-00014075
Owner of Antenna Structure No. 1230981)	
)	NOV No.: V201432360011
Kalamazoo, Michigan)	

NOTICE OF VIOLATION

Released: March 6, 2014

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to R & R Enterprizes, Inc., owner of antenna structure number 1230981 in Kalamazoo, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On February 3, 2014, an agent of the Enforcement Bureau's Detroit Office inspected antenna structure number 1230981 located at the coordinates 42° 16' 20.6" North Latitude, 085° 31' 55.2" West Longitude, Kalamazoo, Michigan. The agent observed the following violations:

- a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of 'no hazard'" The FCC's Antenna Structure Registration (ASR) database currently specifies that antenna structure number 1230981 requires dual lighting—medium intensity for daytime visibility and red obstruction lighting for nighttime visibility—in accordance with FAA circular number 70/7460-1K, Chapters 4, 8 and 12. The agent observed that the antenna structure does not conform to the specifications given in the FCC ASR database because the antenna structure is unlit.³

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ On July 24, 2002, the previous antenna structure owner, North and South Construction and Design, obtained a Determination of No Hazard from the Federal Aviation Administration (FAA) in Aeronautical Study No. 2002-AGI-2854-OE (FAA No Hazard Determination) specifying that antenna structure number 1230981 is not required to be lit. As the current owner, R & R Enterprizes Inc. must submit FCC Form 854 along with the FAA No Hazard

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- b. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction. . . .” Although the antenna structure has been constructed, the FCC never was notified of completion of construction. R&R Enterprizes, Inc. must submit FCC Form 854 to update the FCC’s ASR database.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, R & R Enterprizes, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct R & R Enterprizes, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of R & R Enterprizes, Inc. with personal knowledge of the representations provided in R & R Enterprizes, Inc.’s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the company’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Determination in order to modify the ASR information to indicate that the antenna structure no longer requires lighting.

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335

6. This Notice shall be sent to R & R Enterprizes, Inc. at its address of record.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).